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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,263	12/15/2003	Albert Fitzgerald Elcock	D3138	3822

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EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/736,263	Applicant(s) ELCOCK ET AL.	
	Examiner REXFORD N BARNIE	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts, Jr. (US pat# 6,223,050).

Regarding claim 1, Roberts teaches a method for providing time of day data to a networked device comprising receiving a telephony signal that includes time of day data which reads on receiving information from a GPS feeding system in (see col. 6 lines 18-20), extracting the time of day data from the telephony signal (see col. 6) reads on the MSC receiving the information and processing the information; and transmitting the time of day data to the networked device over a communication network in (see cols. 6-7).

Regarding claim 4, Roberts teaches a cellular network system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2643

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts, Jr. (US Pat# 6,223,050) in view of Gu et al. (US Pat# 5,881,023).

Regarding claim 2, Roberts fails to teach receiving time information embedded in caller ID but Gu teaches a network device which can receive information including time data and use that information in programming a time clock of the device in (see disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gu et al. into that of Roberts thus making it possible to program network elements with time information without having to do so manually and saving time.

Regarding claims 3, 5 and 7, the combination renders obvious the subject matter in any known communication network including a landline, cellular, VOIP, WAN and so forth.

Regarding claim 6, The combination teaches being able to send time information to a plurality of device including VCRs, time clock and so forth in (see Roberts.

Art Unit: 2643

Regarding claims 8-10, The combination teaches a time protocol utilized by a network.

Claims 11-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (US Pat# 6,574,318) in view of Doughty (US Pat# 4,582,956, cited by applicant).

Regarding claim 11, Cannon teaches a caller ID apparatus with a data receiver (see 130a of 120a of fig. 1), a processor in remote data synchronization module in (see fig. 2) and an interface in (see fig. 2) to transmit caller ID to other units.

Cannon fails to teach in detail the information contained in the Caller ID field or information.

Doughty teaches a method and apparatus for displaying at selected station special service information during silent interval between ringing wherein the special information (caller ID data) comprises of calling party telephone number, personal messages, **time of day**, and any other desired information. Furthermore, the apparatus taught by Doughty teaches a line interface, converter and a processing unit in (see fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Doughty into that of Cannon thus making it possible to transmit caller ID from one device to the other thus synchronizing caller ID data at a location where one might be found and also, time information can be transmitted to the called party's device.

Art Unit: 2643

Regarding claim 12, the combination teaches ICLID.

Regarding claims 13-15 and 17, The combination including cannon teaches the possibility of being able to use any signaling technique and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the combination by using any available communication system.

Claims 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (US Pat# 6,574,318) in view of Doughty (US Pat# 4,582,956, cited by applicant) and further in view of Roberts, Jr. (US pat# 6,223,050)

Regarding claim 16 and 18-20, the combination fails to teach the ability to send time information to networked appliances such as VCR and so forth.

Roberts teaches a communication system wherein data can be sent over a network to networked appliances by using time protocol including VCRs in 9see disclosure).

Therefore, it would have been obvious tone of ordinary skill in the art at the time the invention was made to incorporate the teaching of Roberts into that of the combination thus making it possible to program device based on information received remotely without having to do so manually.

Art Unit: 2643

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
10/29/04


REXFORD BARNIE
PRIMARY EXAMINER